

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 94-60639

LESLIE COSEBOON, ET AL,

Plaintiff-Appellee,

VERSUS

MATAGORDA COUNTY, TEXAS, ET AL,

Defendant-Appellant.

Appeal from the United States District Court
For the Southern District of Texas
(CA G 93 274)

September 18, 1995

Before KING, DAVIS, and SMITH, Circuit Judges.

PER CURIAM:¹

Johnson v. Jones, 115 S.Ct. 2151 (1995), as interpreted by this court in Tamez v. City of San Marcos, Texas, 1995 WL 469808 (5th Cir. 1995) controls this case. Under Johnson and Tamez, a defendant cannot appeal the district court's determination that a genuine issue of fact precludes summary judgment on the basis of qualified immunity. In this case, the district court found that the defendant's entitlement to qualified immunity turned on disputed issues of material fact. As a result, we have no jurisdiction over this appeal and it is hereby DISMISSED.

¹Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.